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Docket No.: 1293.1157

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byoung-ho CHOI et al.

Serial No. 09/727,469

Group Art Unit: 2878

Confirmation No. 4374

Filed: December 4, 2000

Examiner: William Dowling

For: METHOD AND APPARATUS FOR DETERMINING A TYPE OF DISK

**LETTER TO THE EXAMINER REQUESTING STATUS OF APPLICATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the payment of the issue fee on September 27, 2004, applicants have not received further action in regards to the issuance of the instant application. As noted in MPEP 1306.03 Practice After Payment of Issue Fee, "[u]nder the current publication process, utility and reissue patents are issued within about four weeks after the issue fee and any required publication fee are received in the Office." Since the applicable fee was paid more than four week prior to filing of this correspondence, it is respectfully requested that issuance of the instant application as a patent occur.

Moreover, it is respectfully requested that any patent term adjustment reflect an appropriate extension of the term of the instant application in view of 37 C.F.R. §1.702(a)(4) (term adjustment for failure to issue a patent "not later than four months after the date on which the issue fee) and/or 37 C.F.R. §1.702(b) (term adjustment for failure to issue a patent for failure "to issue a patent within three years of the actual filing date of the application").

Respectfully submitted,

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